

SECRET

71-2481

14 JUN 1971

Inventions

MEMORANDUM FOR: Deputy Director for Support

SUBJECT : Employee Inventions and Representatives
on the CIA Patents Board1. This memorandum contains a recommendation in paragraph 4 for your approval.

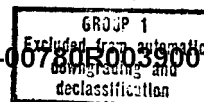
25X1 2. Headquarters Regulation [] (2), and (3) (Attachment 1), sets forth the criteria for determining rights in and to inventions. As presently constituted, subparagraph d(2) of the Regulation serves as a deterrent (a) to employees whose official duties involve research, development, and engineering, and (b) to the CIA Patents Board in arriving at such determinations by being overly restrictive and reduces individual incentive for the conception of worthwhile inventions. The restraints currently imposed can, we believe, be rectified by adopting in our regulations specific language from Executive Order No. 10096 (Attachment 2), as amended, which is the source of [] This revised language is less restrictive and subject to broader interpretation by the CIA Patents Board, and it will serve to ameliorate the mandatory effect of the criteria set forth in subparagraph d(1) of the existing Regulation. Thus there will be a greater inducement for employees to record and submit their conceptual ideas and also insure the Agency of adequate rights and powers to utilize employee inventions either through the acquisition of a patent or a license right. In view of this, we would propose that [] be revised (new language is underscored) to read as follows:

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"d. CRITERIA FOR DETERMINING RIGHTS IN AND TO INVENTIONS

"(2) In any case, where the contribution of the Government, as measured by any one or more of the criteria set forth in subparagraph d(1), above, to the invention is insufficient equitably to justify a requirement of assignment to the Government of the entire right, title, and interest to such invention, or in any case where the Government has insufficient interest in an invention to obtain entire right, title, and interest therein (although the Government could obtain same under subparagraph d(1) above) the Government shall leave title to such invention in the employee, subject, however, to the reservation to the Government of a non-exclusive, irrevocable, royalty-free license in the invention with power to grant licenses for all governmental purposes, such reservation, in the terms thereof, to appear, where practicable, in any patent, domestic or foreign, which may issue on such invention."

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SUBJECT: Employee Inventions and Representatives on the CIA Patents Board

3. The present CIA Patents Board, as established by [REDACTED] consists of six voting members appointed by the Executive Director -Comptroller and the Deputy Directors. An amendment to this subparagraph is proposed to facilitate the handling of the Board's workload by enabling it to hold bimonthly meetings on a set schedule. The Chairman has found that it is becoming increasingly difficult to schedule a meeting that does not conflict with priority duties of two or more Board members. If each Directorate also had an alternate member and a Deputy Chairman were appointed, the workload could be so arranged that either the member or his alternate would attend the Board's scheduled meetings. The meeting dates would then be published in advance on a yearly basis. Agency inventors would thus be able to submit their individual Records of Invention in a timely manner and to know when each case would appear before the Board. To implement the foregoing, it is proposed to revise (new language is underscored) [REDACTED] to read as follows:

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"e. ADMINISTRATION

- "(1) The CIA Patents Board consists of six voting members, including the Chairman who is appointed by the Deputy Director for Support. The Executive Director -Comptroller and the Four Deputy Directors each appoint one member and one alternate to serve on the Board. A Deputy Chairman will be designated by the Deputy Director for Support based on the recommendation of the Chairman and with the concurrence of the Operating Official concerned. The General Counsel furnishes a non-voting advisor to the Board on a continuing basis. Additional advisory non-voting members may be designated on the recommendation of the Chairman and with the concurrence of the Operating Official concerned.
- "(2) For review and determination of his rights to an invention, an employee should submit Form 915, Record of Invention (available from the Chairman, CIA Patents Board), to the Chairman, CIA Patents Board, via the Division/Office and Directorate concerned. The Division/Office and Directorate will endorse the Record of Invention, either favorably or unfavorably, setting forth the applicability or value of the invention to the needs of the Government, the degree of urgency involved, and the degree of interest in obtaining patent protection. The Record of Invention will then be forwarded to the Chairman, CIA Patents Board. Clandestine Service personnel shall also submit Form 915 and any other pertinent information relating to the invention through the Chief, CI Staff.

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Approved For Release 2002/10/30 : CIA-RDP84-00780R003900190001-1

SUBJECT: Employee Inventions and Representatives on the CIA Patents Board

4. It is recommended that the proposed revisions to [] as set forth in paragraphs 2 and 3 above, be approved. With your approval, the attached memorandum (Attachment 3) may be forwarded to the Chief, Support Services Staff, DD/S, for coordination and publication of the revised Regulation. Upon publication, we will prepare the appropriate memorandum for designation of alternate members and a Deputy Chairman.

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[]

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Chairman, CIA Patents Board

Atts

cc: OGC
D/L

CONCURRENCES:

Signed: []

17 JUN 1971

Lawrence R. Houston
General Counsel

Date

Signed: John F. Blake

14 JUN 1971

John F. Blake
Director of Logistics

Date

The recommendation contained in paragraph 4 is approved.

DD/S noted - 6/23/71. The proposed change has been sent to C/SSS for coordination of amendment to the Regulations. 15/

John W. Coffey
Deputy Director
for Support

Date

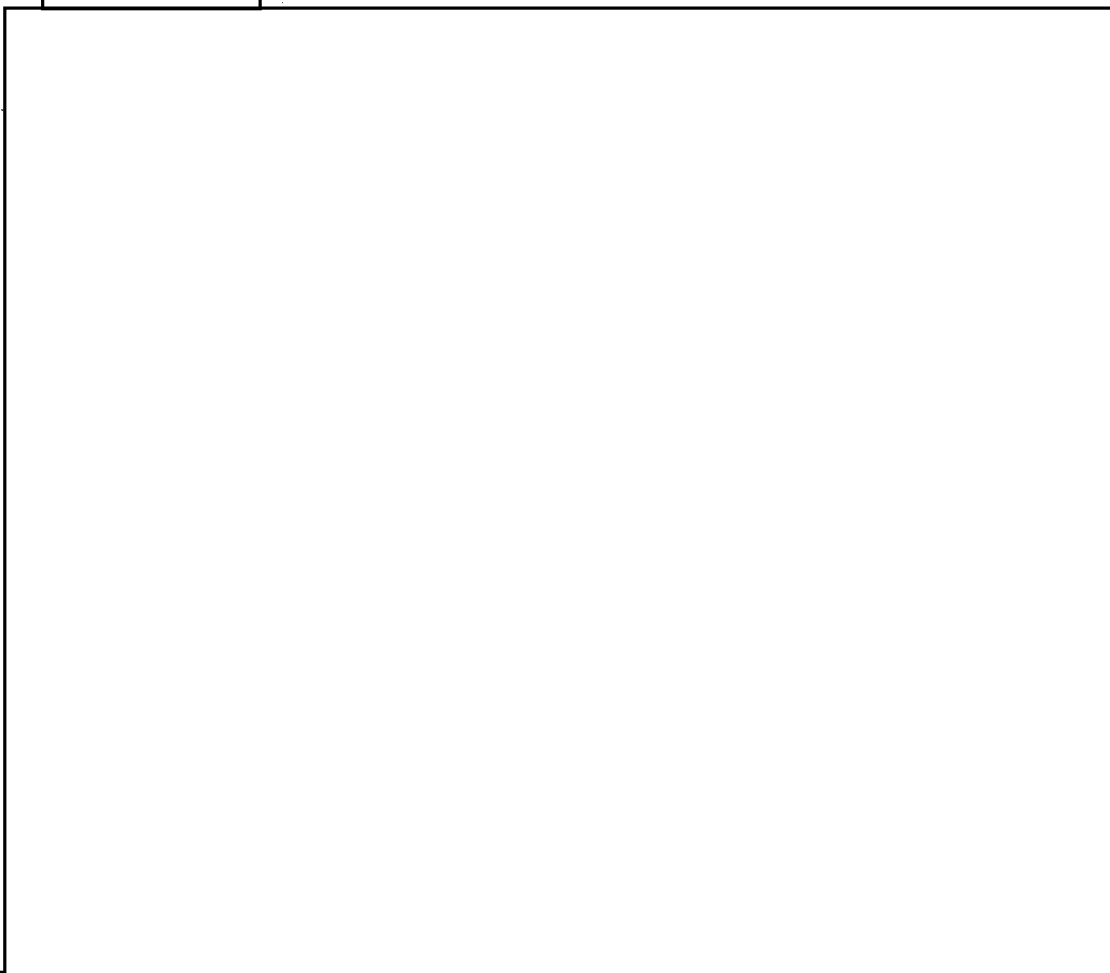
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PERSONNEL



47. EMPLOYEE INVENTIONS

- a. **GENERAL.** Executive Order 10096, dated 23 January 1950, as amended by E.O. 10930, dated 24 March 1961, establishes policies for determining the rights of Government employees in inventions they make or have made on or after 23 January 1950 during a period of Government employment. This paragraph prescribes procedures whereby Agency employees who make inventions may have their rights to such inventions determined.
- b. **DEFINITION.** "Invention," as defined in E.O. 10096 and as used in this paragraph, includes any art, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant which is or may be patentable under the patent laws of the United States.
- c. **POLICY**
 - (1) Agency determinations concerning the inventions made by individuals while employed by or affiliated with CIA are based on criteria established by E.O. 10096, as amended, and are subject to review and decision by the Commissioner of Patents.

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PERSONNEL

- (2) The CIA Patents Board, described in subparagraph e(1) below, acts for the Director of Central Intelligence in determining the respective rights of the Government and of the inventor in and to any invention made by a Government employee while under the administrative jurisdiction of this Agency.

d. CRITERIA FOR DETERMINING RIGHTS IN AND TO INVENTIONS. There are three possible determinations of the inventor's rights, based on the criteria indicated below:

- (1) The Government is entitled to the entire right, title, and interest in inventions which
 - (a) are made during workhours;
 - (b) are made with a contribution by the Government of facilities, equipment, materials, funds, or information, or of time or services of other Government employees on official duties; or
 - (c) bear a direct relation to, or are made in consequence of, the duties of the inventor.
- (2) If the contribution and the interest of the Government is insufficient to equitably justify the assignment of the entire right, title, and interest in the invention to the Government, the title to such invention is retained by the inventor, subject to the reservation to the Government of a non-exclusive, irrevocable, royalty-free license in the invention with the power to grant licenses for all Government purposes.
- (3) The inventor is entitled to the entire right, title, and interest in the invention, if the contributions by the Government are deemed to be insufficient to justify the assignment of any rights to the Government.

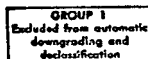
e. ADMINISTRATION

- (1) The CIA Patents Board consists of six voting members, including the chairman who is appointed by the Deputy Director for Support. The Executive Director-Comptroller and the four Deputy Directors each appoint one member to serve on the board. The General Counsel furnishes a nonvoting adviser to the board on a continuing basis. Additional advisory nonvoting members may be designated on the recommendation of the chairman and with the concurrence of the Operating Officials concerned.
- (2) For review and determination of his rights to an invention, an employee should submit Form 915, Record of Invention (available from the Chairman, CIA Patents Board), to the Chairman, CIA Patents Board, either directly or through his supervisors. Clandestine Service personnel will submit Form 915 and any other pertinent information relating to the invention through the Chief, CI Staff.
- (3) The CIA Patents Board will inform the inventor and the Operating Officials concerned of the inventor's rights as finally determined.
- (4) The procedures set forth in are applicable if the invention is to be reviewed for award consideration as well as patent action.

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Revised: 22 May 1970 (544)

CONFIDENTIAL



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E. O. 10096

Title 3—The President

EXECUTIVE ORDER 10096

PROVIDING FOR A UNIFORM PATENT POLICY FOR THE GOVERNMENT WITH RESPECT TO INVENTIONS MADE BY GOVERNMENT EMPLOYEES AND FOR THE ADMINISTRATION OF SUCH POLICY

WHEREAS inventive advances in scientific and technological fields frequently result from governmental activities carried on by Government employees; and

WHEREAS the Government of the United States is expending large sums of money annually for the conduct of these activities; and

WHEREAS these advances constitute a vast national resource; and

WHEREAS it is fitting and proper that the inventive product of functions of the Government, carried out by Government employees, should be available to the Government; and

WHEREAS the rights of Government employees in their inventions should be recognized in appropriate instances; and

WHEREAS the carrying out of the policy of this order requires appropriate administrative arrangements:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes, and as President of the United States and Commander in Chief of the armed forces of the United States, in the interest of the establishment and operation of a uniform patent policy for the Government with respect to inventions made by Government employees, it is hereby ordered as follows:

1. The following basic policy is established for all Government agencies with respect to inventions hereafter made by any Government employee:

(a) The Government shall obtain the entire right, title and interest in and to all inventions made by any Government employee (1) during working hours, or (2) with a contribution by the Government of facilities, equipment, materials, funds, or information, or of time or services of other Government employees on official duty, or (3) which bear a direct relation to or are made in consequence of the official duties of the inventor.

(b) In any case where the contribution of the Government, as measured by any one or more of the criteria set forth in paragraph (a) last above, to the invention is insufficient equitably to justify a requirement of assignment to the Gov-

ernment of the entire right, title and interest to such invention, or in any case where the Government has insufficient interest in an invention to obtain entire right, title and interest therein (although the Government could obtain some under paragraph (a), above), the Government agency concerned, subject to the approval of the Chairman of the Government Patents Board (provided for in paragraph 3 of this order and hereinafter referred to as the Chairman), shall leave title to such invention in the employee, subject, however, to the reservation to the Government of a non-exclusive, irrevocable, royalty-free license in the invention with power to grant licenses for all governmental purposes, such reservation, in the terms thereof, to appear, where practicable, in any patent, domestic or foreign, which may issue on such invention.

(c) In applying the provisions of paragraphs (a) and (b), above, to the facts and circumstances relating to the making of any particular invention, it shall be presumed that an invention made by an employee who is employed or assigned (i) to invent or improve or perfect any art, machine, manufacture, or composition of matter, (ii) to conduct or perform research, development work, or both, (iii) to supervise, direct, coordinate, or review Government financed or conducted research, development work, or both, or (iv) to act in a liaison capacity among governmental or nongovernmental agencies or individuals engaged in such work, or made by an employee included within any other category of employees specified by regulations issued pursuant to section 4 (b) hereof, falls within the provisions of paragraph (a), above, and it shall be presumed that any invention made by any other employee falls within the provisions of paragraph (b), above. Either presumption may be rebutted by the facts or circumstances attendant upon the conditions under which any particular invention is made and, notwithstanding the foregoing, shall not preclude a determination that the invention falls within the provisions of paragraph (d) next below.

(d) In any case wherein the Government neither (1) pursuant to the provisions of paragraph (a) above, obtains entire right, title and interest in and to an invention nor (2) pursuant to the provisions of paragraph (b) above, reserves a non-exclusive, irrevocable, royalty-free license in the invention with

Chapter II—Executive Orders

E. O. 10096

power to grant licenses for all governmental purposes, the Government shall leave the entire right, title and interest in and to the invention in the Government employee, subject to law.

(e) Actions taken, and rights acquired, under the foregoing provisions of this section, shall be reported to the Chairman in accordance with procedures established by him.

2. Subject to considerations of national security, or public health, safety, or welfare, the following basic policy is established for the collection, and dissemination to the public, of information concerning inventions resulting from Government research and development activities:

(a) When an invention is made under circumstances defined in paragraph 1 (a) of this order giving the United States the right to title thereto, the Government agency concerned shall either prepare and file an application for patent therefor in the United States Patent Office or make a full disclosure of the invention promptly to the Chairman, who may, if he determines the Government interest so requires, cause application for patent to be filed or cause the invention to be fully disclosed by publication thereof. Provided, however, That, consistent with present practice of the Department of Agriculture, no application for patent shall, without the approval of the Secretary of Agriculture, be filed in respect of any variety of plant invented by any employee of that Department.

(b) Under arrangements made and policies adopted by the Chairman, all inventions or rights therein, including licenses, owned or controlled by the United States or any Government agency shall be indexed, and copies, summaries, analyses and abstracts thereof shall be maintained and made available to all Government agencies and to public libraries, universities, trade associations, scientists and scientific groups, industrial and commercial organizations, and all other interested groups of persons.

3. (a) A Government Patents Board is established consisting of a Chairman of the Government Patents Board, who shall be appointed by the President, and of one representative from each of the following:

Department of Agriculture
Department of Commerce
Department of the Interior
Department of Justice
Department of State

Department of Defense
Civil Service Commission
Federal Security Agency
National Advisory Committee for Aeronautics

General Services Administration

Each such representative, together with an alternate, shall be designated by the head of the agency concerned.

(b) The Government Patents Board shall advise and confer with the Chairman concerning the operation of those aspects of the Government's patent policy which are affected by the provisions of this order or of Executive Order No. 9865, and suggest modifications or improvements where necessary.

(c) Consonant with law, the agencies referred to in paragraph 3 (a) hereof shall as may be necessary for the purpose of effectuating this order furnish assistance to the Board in accordance with section 214 of the Independent Offices Appropriation Act, 1946, 59 Stat. 134, 31 U. S. C. 691. The Department of Commerce shall provide necessary office accommodations and facilities for the use of the Board and the Chairman.

(d) The Chairman shall establish such committees and other working groups as may be required to advise or assist him in the performance of any of his functions.

(e) The Chairman of the Government Patents Board and the Chairman of the Interdepartmental Committee on Scientific Research and Development (provided for by Executive Order No. 9912 of December 24, 1947) shall establish and maintain such mutual consultation as will effect the proper coordination of affairs of common concern.

4. With a view to obtaining uniform application of the policies set out in this order and uniform operations thereunder, the Chairman is authorized and directed:

(a) To consult and advise with Government agencies concerning the application and operation of the policies outlined herein;

(b) After consultation with the Government Patents Board, to formulate and submit to the President for approval such proposed rules and regulations as may be necessary or desirable to implement and effectuate the aforesaid policies, together with the recommendations of the Government Patents Board thereon;

(c) To submit annually a report to the President concerning the operation of such policies, and from time to time such

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E.O. 10930
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E. O. 10097

Title 3—The President

recommendations for modification thereof as may be deemed desirable;

(d) To determine with finality any controversies or disputes between any Government agency and its employees, to the extent submitted by any party to the dispute, concerning the ownership of inventions made by such employees or rights therein; and

(e) To perform such other or further functions or duties as may from time to time be prescribed by the President or by statute.

5. The functions and duties of the Secretary of Commerce and the Department of Commerce under the provisions of Executive Order No. 9865 of June 14, 1947¹ are hereby transferred to the Chairman and the whole or any part of such functions and duties may be delegated by him to any Government agency or officer: *Provided*, That said Executive Order No. 9865 shall not be deemed to be amended or affected by any provision of this Executive order other than this paragraph 5.

6. Each Government agency shall take all steps appropriate to effectuate this order, including the promulgation of necessary regulations which shall not be inconsistent with this order or with regulations issued pursuant to paragraph 4 (b) hereof.

7. As used in this Executive order, the next stated terms, in singular and plural, are defined as follows for the purposes hereof:

(a) "Government agency" includes any executive department and any independent commission, board, office, agency, authority, or other establishment of the Executive Branch of the Government of the United States (including any such independent regulatory commission or board, any such wholly-owned corporation, and the Smithsonian Institution), but excludes the Atomic Energy Commission.

(b) "Government employee" includes any officer or employee, civilian or military, of any Government agency, except such part-time consultants or employees as may be excluded by regulations promulgated pursuant to paragraph 4 (b) hereof.

(c). "Invention" includes any art, machine, manufacture, design or composition of matter, or any new and useful

improvement thereof, or any variety of plant, which is or may be patentable under the patent laws of the United States.

HARRY S. TRUMAN

THE WHITE HOUSE,

January 23, 1950.

EXECUTIVE ORDER 10097

DESIGNATING THE HONORABLE A. CECIL SNYDER AS ACTING JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO

By virtue of the authority vested in me by section 41 of the act entitled "An Act to provide a civil government for Puerto Rico, and for other purposes", approved March 2, 1917, as amended by section 20 of the act entitled "An Act to revise, codify, and enact into law title 28 of the United States Code entitled 'Judicial Code and Judiciary'", approved June 25, 1948 (62 Stat. 989), I hereby designate and authorize the Honorable A. Cecil Snyder, Associate Justice of the Supreme Court of Puerto Rico, to perform and discharge the duties of Judge of the United States District Court for the District of Puerto Rico, and to sign all necessary papers and records as Acting Judge of the said Court, without extra compensation, during the absence, illness, or other legal disability of the Judge thereof, during the year 1950.

HARRY S. TRUMAN

THE WHITE HOUSE,

January 24, 1950.

EXECUTIVE ORDER 10098

AMENDMENT OF EXECUTIVE ORDER NO. 10084 OF OCTOBER 12, 1949,¹ PRESCRIBING REGULATIONS FOR THE ADMINISTRATION OF CERTAIN PROVISIONS OF THE CAREER COMPENSATION ACT OF 1949

By virtue of and pursuant to the authority vested in me by the Career Compensation Act of 1949, approved October 12, 1949 (Public Law 351—81st Cong.), it is ordered that the last paragraph of Executive Order No. 10084 of October 12, 1949, entitled "Prescribing Regulations for the Administration of Certain Provisions of the Career Compensation Act

¹ 3 CFR, 1947 Supp.

¹ 3 CFR, 1949 Supp.

E. O. 10930

Title 3—The President

under the heading "Emergency Fund for the President—National Defense" in Title I of the General Government Matters Appropriation Act, 1961, 74 Stat. 473, 475, approved July 12, 1960. The expenditures of the commission may be paid out of an allotment made by the President from the appropriation made under the aforesaid heading "Emergency Fund for the President—National Defense"; and, to the extent permitted by law, from any corresponding or like appropriation made available for fiscal years subsequent to fiscal year 1961. Such payments may be made without regard to the provisions of (a) section 3681 of the Revised Statutes (31 U.S.C. 672), (b) section 9 of the Act of March 4, 1909, 35 Stat. 1027 (31 U.S.C. 673), and (c) such other provisions of law as the President may hereafter specify. The members of the commission shall receive such expense allowances as the President shall hereafter fix. The chairman of the commission and those other members of the commission who are designated by the President under section 1 without nominations shall receive such compensation as the President shall hereafter specify, but no such compensation shall be payable with respect to any day or other period of service for which other compensation is payable by the United States.

Sec. 6. The commission shall make a final written report of its findings and recommendations not later than 60 days after the Presidential commission established by Executive Order No. 10891 makes the final report described in section 5 of such order. The commission shall cease to exist 30 days after the rendition of its final report to the President.

Sec. 7. Funds may be allotted under section 5 of this order immediately, such funds to become available for obligation and expenditure on such date or dates as the President may specify, and nominations may immediately be submitted and designations of members made under section 1 of this order, but the provisions of this order shall otherwise become effective only when all members of the commission have been designated by the President under section 1 hereof.

JOHN F. KENNEDY

THE WHITE HOUSE,
March 24, 1961.

Page 24

CFR - 1961 Sup.

Executive Order 10930

ABOLISHING THE GOVERNMENT PATENTS BOARD AND PROVIDING FOR THE PERFORMANCE OF ITS FUNCTIONS

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. The Government Patents Board, established by section 3(a) of Executive Order No. 10096¹ of January 23, 1950, and all positions established thereunder or pursuant thereto are hereby abolished.

SEC. 2. All functions of the Government Patents Board and of the Chairman thereof under the said Executive Order No. 10096, except the functions of conference and consultation between the Board and the Chairman, are hereby transferred to the Secretary of Commerce, who may provide for the performance of such transferred functions by such officer, employee, or agency of the Department of Commerce as he may designate.

Sec. 3. The Secretary of Commerce shall make such provision as may be necessary and consonant with law for the disposition or transfer of property, personnel, records, and funds of the Government Patents Board.

Sec. 4. Except to the extent that they may be inconsistent with this order, all determinations, regulations, rules, rulings, orders, and other actions made or issued by the Government Patents Board, or by any Government agency with respect to any function transferred by this order, shall continue in full force and effect until amended, modified, or revoked by appropriate authority.

Sec. 5. Subsections (a) and (c) of section 3 of Executive Order No. 10096 are hereby revoked, and all other provisions of that order are hereby amended to the extent that they are inconsistent with the provisions of this order.

JOHN F. KENNEDY

THE WHITE HOUSE,
March 24, 1961.

¹ 3 CFR, 1949-1953 Comp., p. 292.

15 Dec 70 - Unrevoked and
unmodified per
Sheila Sinclair.

SECRET

14 JUN 1971

MEMORANDUM FOR: Chief, Support Services Staff, DD/S

5X1 SUBJECT

: Amendment to

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1. It is requested that action be initiated by your staff to amend Headquarters Regulation . The revised Regulation (new language is underscored) should read as follows:

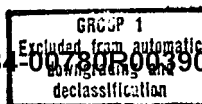
"d. CRITERIA FOR DETERMINING RIGHTS IN AND TO INVENTIONS

"(2) In any case, where the contribution of the Government, as measured by any one or more of the criteria set forth in subparagraph d(1) above, to the invention is insufficient equitably to justify a requirement of assignment to the Government of the entire right, title, and interest to such invention, or in any case where the Government has insufficient interest in an invention to obtain entire right, title, and interest therein (although the Government could obtain same under subparagraph d(1) above) the Government shall leave title to such invention in the employee, subject, however, to the reservation to the Government of a non-exclusive, irrevocable, royalty-free license in the invention with power to grant licenses for all governmental purposes, such reservation, in the terms thereof, to appear, where practicable, in any patent, domestic or foreign, which may issue on such invention.

"e. ADMINISTRATION

"(1) The CIA Patents Board consists of six voting members, including the Chairman who is appointed by the Deputy Director for Support. The Executive Director-Comptroller and the four Deputy Directors each appoint one member and one alternate to serve on the Board. A Deputy Chairman will be designated by the Deputy Director for Support based on the recommendation of the Chairman and with the concurrence of the Operating Official concerned. The General Counsel furnishes a non-voting advisor to the Board on a continuing basis.

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SUBJECT: Amendment to

Additional advisory non-voting members may be designated on the recommendation of the Chairman and with the concurrence of the Operating Official concerned.

"(2) For review and determination of his rights to an invention, an employee should submit Form 915, Record of Invention (available from the Chairman, CIA Patents Board), to the Chairman, CIA Patents Board, via the Division/Office and Directorate concerned. The Division/Office and Directorate will endorse the Record of Invention, either favorably or unfavorably, setting forth the applicability or value of the invention to the needs of the Government, the degree of urgency involved, and the degree of interest in obtaining patent protection. The Record of Invention will then be forwarded to the Chairman, CIA Patents Board. Clansdestine Service personnel shall also submit Form 915 and any other pertinent information relating to the invention through the Chief, CI Staff."

2. The remaining paragraphs and subparagraphs of remain unchanged.

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Chairman, CIA Patents Board

CONCURRENCE:

Signed: John F. Blake

John F. Blake
Director of Logistics

14 JUN 1971

Date

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71-2325

7 JUN 1971

FILE *Inventions*

MEMORANDUM FOR: Deputy Director for Support

SUBJECT : Procedures for Processing Employee Inventions

1. This paper contains recommendations for your approval in paragraph 2. If these recommendations are approved, attached for your signature are memoranda to the Director of Logistics and the Deputy Directors for Intelligence, Plans, and Science and Technology.

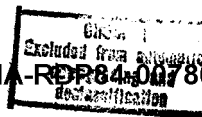
2. To expedite the processing of worthwhile Agency employee inventions, it is recommended that the following procedures be adopted:

a. The Office of Logistics establish a fund to pay for preliminary searches for employee inventions which the Patents Board has determined to be practical and which appear to be of actual or potential benefit to the Agency. (It is estimated that the total cost of such searches, based on a \$150 fee per search, will not exceed \$4,500 yearly.)

b. The inventor's Record of Invention will be forwarded to the Patents Board via the Division/Office and Directorate concerned for appropriate endorsement and forwarding to the Patents Board. The endorsement will contain an evaluation of the anticipated benefit of the invention to the Government and a recommendation as to whether or not a patent should be applied for. If appropriate, a statement will also be included as to the underlying degree of urgency in the event a patent application is recommended.

c. The Patents Board will make a further evaluation as to Government interest, will review the Record of Invention, and will make an appropriate recommendation as to the desirability of conducting a preliminary search. Where it is determined that such Government interest to acquire either patent or licensing rights exists, the Record of Invention will be forwarded to the Office of Logistics for the conduct of a preliminary

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SUBJECT: Procedures for Processing Employee Inventions

search. If considered desirable, cleared attorneys in private practice may be used for this purpose. In the event the preliminary search indicates that the invention is patentable, the Division or Directorate will be so advised and will assume further costs if the decision is made to proceed with the patent prosecution. These expenses will include the cost of application, preparation, filing and issuance fees, and other appropriate costs.



Chairman
CIA Patents Board

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Atts

CONCURRENCE:

Signed: John F. Blake

John F. Blake
Director of Logistics

7 JUN 1971
Date

The recommendations contained in paragraph 2 are approved.

757 Robert S. Wattle

John W. Coffey
Deputy Director
for Support

15 JUN 1971
Date

Distribution:

Orig - CIA Patents Board
2 - DD/S
1 - D/L

SECRET

SECRET

71-2326

15 JUN 1971

MEMORANDUM FOR: Director of Logistics

SUBJECT : Fund for Preliminary Patent Searches

REFERENCE : Memo to DD/S fm Chmn, CIA Patents Board, Subject: Procedures for Processing Employee Inventions

The Office of Logistics is requested to initiate action to establish a fund to pay for preliminary searches for employee inventions pursuant to paragraph 2a of the referent memorandum. This fund will be administered by the Office of Logistics.

/s/ Robert S. Wattles

John W. Coffey
Deputy Director
for Support

Att:
Ref.

cc: Chmn, CIA Patents Board

Distribution:

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2 - DD/S

Original Subject

GROUP 1
Excluded from automatic
downgrading and
declassification

SECRET

SECRET71-2327
15 JUN 1971

MEMORANDUM FOR: Deputy Director for Intelligence

SUBJECT : Procedures for Processing Employee Inventions

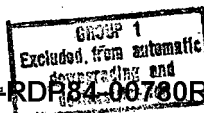
The procedures for processing employee inventions have been revised. The new procedures to be followed are as follows:

- a. The Office of Logistics (OL) has established a fund for payment of preliminary searches for employee inventions which the Patents Board has determined to be of actual or potential benefit to the Agency. (It is estimated that the total cost of such searches, based on a \$150 fee per search, will not exceed \$4,500 yearly.)
- b. The inventor's Record of Invention will be forwarded to the Patents Board via the appropriate Division/Office and Directorate concerned for appropriate endorsement and forwarding the Record to the Patents Board. The endorsement will contain an evaluation of the anticipated benefit of the invention to the Government and a recommendation as to whether or not a patent should be applied for and the estimated degree of urgency.
- c. The Patents Board will make a further evaluation as to Government interest and will make appropriate recommendations, including a statement as to the desirability of conducting a preliminary search. Where it is determined that such Government interest to acquire either patent or licensing rights exists, the Record of Invention will be forwarded to OL for the conduct of a preliminary search. Where it is determined that no such interest exists, the Record of Invention will be returned to the inventor. OL will pay for this search. Cleared attorneys in private practice may be used for this purpose. In the event preliminary search indicates that the invention is patentable, the Division/Office and Directorate concerned will be so advised and will assume further costs if the decision is made to proceed with the patent prosecution. These expenses will include the cost of application preparation, filing and issuance fees, and other appropriate costs.

/s/ Robert S. Wattles

for John W. Coffey
Deputy Director
for Support

cc: D/L
Chmn, CIA Patents Board

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71-2327

15 JUN 67

MEMORANDUM FOR: Deputy Director for Plans

SUBJECT : Procedures for Processing Employee Inventions

The procedures for processing employee inventions have been revised. The new procedures to be followed are as follows:

- a. The Office of Logistics (OL) has established a fund for payment of preliminary searches for employee inventions which the Patents Board has determined to be of actual or potential benefit to the Agency. (It is estimated that the total cost of such searches, based on a \$150 fee per search, will not exceed \$4,500 yearly.)
- b. The inventor's Record of Invention will be forwarded to the Patents Board via the appropriate Division/Office and Directorate concerned for appropriate endorsement and forwarding the Record to the Patents Board. The endorsement will contain an evaluation of the anticipated benefit of the invention to the Government and a recommendation as to whether or not a patent should be applied for and the estimated degree of urgency.
- c. The Patents Board will make a further evaluation as to Government interest and will make appropriate recommendations, including a statement as to the desirability of conducting a preliminary search. Where it is determined that such Government interest to acquire either patent or licensing rights exists, the Record of Invention will be forwarded to OL for the conduct of a preliminary search. Where it is determined that no such interest exists, the Record of Invention will be returned to the inventor. OL will pay for this search. Cleared attorneys in private practice may be used for this purpose. In the event preliminary search indicates that the invention is patentable, the Division/Office and Directorate concerned will be so advised and will assume further costs if the decision is made to proceed with the patent prosecution. These expenses will include the cost of application preparation, filing and issuance fees, and other appropriate costs.

/s/ Robert S. Wattles

for John W. Coffey
Deputy Director
for Support

cc: D/L
Chmn, CIA Patents Board

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15 JUN 1971

MEMORANDUM FOR: Deputy Director for Science and Technology

SUBJECT : Procedures for Processing Employee Inventions

The procedures for processing employee inventions have been revised. The new procedures to be followed are as follows:

a. The Office of Logistics (OL) has established a fund for payment of preliminary searches for employee inventions which the Patents Board has determined to be of actual or potential benefit to the Agency. (It is estimated that the total cost of such searches, based on a \$150 fee per search, will not exceed \$4,500 yearly.)

b. The inventor's Record of Invention will be forwarded to the Patents Board via the appropriate Division/Office and Directorate concerned for appropriate endorsement and forwarding the Record to the Patents Board. The endorsement will contain an evaluation of the anticipated benefit of the invention to the Government and a recommendation as to whether or not a patent should be applied for and the estimated degree of urgency.

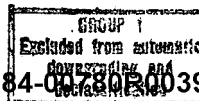
c. The Patents Board will make a further evaluation as to Government interest and will make appropriate recommendations, including a statement as to the desirability of conducting a preliminary search. Where it is determined that such Government interest to acquire either patent or licensing rights exists, the Record of Invention will be forwarded to OL for the conduct of a preliminary search. Where it is determined that no such interest exists, the Record of Invention will be returned to the inventor. OL will pay for this search. Cleared attorneys in private practice may be used for this purpose. In the event preliminary search indicates that the invention is patentable, the Division/Office and Directorate concerned will be so advised and will assume further costs if the decision is made to proceed with the patent prosecution. These expenses will include the cost of application preparation, filing and issuance fees, and other appropriate costs.

/s/ Robert E. Wattle

/s/ John W. Coffey
Deputy Director
for Support

cc: D/L
Chmn, CIA Patents Board

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SECRET

14 June 1971

NOTE FOR: Mr. Wattles

The Agency Patent Board receives about 30 cases a year. Not every case results in a patent search but those which do have been handled by the Judge Advocate General's office when they get around to it. The result is long delays and the administrative burden of keeping track of and following up on a lot of pending cases.

The attached proposal from the Chairman of the Patent Board would establish a \$4500 fund in the Office of Logistics to permit the Board to hire private patent attorneys to conduct the searches. The process would be accelerated and the administrative burden lessened.

The proposal also includes a minor change in the procedures which probably could be accomplished by the Board without your approval. Since they are requesting your signature on correspondence to the other Deputies notifying them of the changes, your approval of the change in the procedures is requested.

A separate proposal to amend the regulation to provide for the designation of alternate membership and a Deputy Chairman is on route from the Office of Logistics. There seems to be no need to hold this proposal to await the arrival of the proposed change to the regulations.

Your approval and signature on the memorandum to the other Deputies is recommended.



RHW

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Approved For Release 2002/10/30 : CIA-RDP84-00780R003900190001-1

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47. EMPLOYEE INVENTIONS

- a. **GENERAL.** Executive Order 10096, dated 23 January 1950, as amended by E.O. 10930, dated 24 March 1961, establishes policies for determining the rights of Government employees in inventions they make or have made on or after 23 January 1950 during a period of Government employment. This paragraph prescribes procedures whereby Agency employees who make inventions may have their rights to such inventions determined.
- b. **DEFINITION.** "Invention," as defined in E.O. 10096 and as used in this paragraph, includes any art, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant which is or may be patentable under the patent laws of the United States.
- c. **POLICY**
 - (1) Agency determinations concerning the inventions made by individuals while employed by or affiliated with CIA are based on criteria established by E.O. 10096, as amended, and are subject to review and decision by the Commissioner of Patents.

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→Revised: 22 May 1970 (544)

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- (2) The CIA Patents Board, described in subparagraph e(1) below, acts for the Director of Central Intelligence in determining the respective rights of the Government and of the inventor in and to any invention made by a Government employee while under the administrative jurisdiction of this Agency.

d. CRITERIA FOR DETERMINING RIGHTS IN AND TO INVENTIONS. There are three possible determinations of the inventor's rights, based on the criteria indicated below:

- (1) The Government is entitled to the entire right, title, and interest in inventions which
 - (a) are made during workhours;
 - (b) are made with a contribution by the Government of facilities, equipment, materials, funds, or information, or of time or services of other Government employees on official duties; or
 - (c) bear a direct relation to, or are made in consequence of, the duties of the inventor.
- (2) If the contribution and the interest of the Government is insufficient to equitably justify the assignment of the entire right, title, and interest in the invention to the Government, the title to such invention is retained by the inventor, subject to the reservation to the Government of a non-exclusive, irrevocable, royalty-free license in the invention with the power to grant licenses for all Government purposes.
- (3) The inventor is entitled to the entire right, title, and interest in the invention, if the contributions by the Government are deemed to be insufficient to justify the assignment of any rights to the Government.

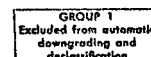
e. ADMINISTRATION

- (1) The CIA Patents Board consists of six voting members, including the chairman who is appointed by the Deputy Director for Support. The Executive Director-Comptroller and the four Deputy Directors each appoint one member to serve on the board. The General Counsel furnishes a nonvoting adviser to the board on a continuing basis. Additional advisory nonvoting members may be designated on the recommendation of the chairman and with the concurrence of the Operating Officials concerned.
- (2) For review and determination of his rights to an invention, an employee should submit Form 915, Record of Invention (available from the Chairman, CIA Patents Board), to the Chairman, CIA Patents Board, either directly or through his supervisors. Clandestine Service personnel will submit Form 915 and any other pertinent information relating to the invention through the Chief, CI Staff.
- (3) The CIA Patents Board will inform the inventor and the Operating Officials concerned of the inventor's rights as finally determined.
- (4) The procedures set forth in are applicable if the invention is to be reviewed for award consideration as well as patent action.

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CONFIDENTIAL



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E. O. 10096

Title 3—The President

EXECUTIVE ORDER 10096

PROVIDING FOR A UNIFORM PATENT POLICY
FOR THE GOVERNMENT WITH RESPECT TO
INVENTIONS MADE BY GOVERNMENT
EMPLOYEES AND FOR THE ADMINISTRATION
OF SUCH POLICY

WHEREAS inventive advances in scientific and technological fields frequently result from governmental activities carried on by Government employees; and

WHEREAS the Government of the United States is expending large sums of money annually for the conduct of these activities; and

WHEREAS these advances constitute a vast national resource; and

WHEREAS it is fitting and proper that the inventive product of functions of the Government, carried out by Government employees, should be available to the Government; and

WHEREAS the rights of Government employees in their inventions should be recognized in appropriate instances; and

WHEREAS the carrying out of the policy of this order requires appropriate administrative arrangements:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes, and as President of the United States and Commander in Chief of the armed forces of the United States, in the interest of the establishment and operation of a uniform patent policy for the Government with respect to inventions made by Government employees, it is hereby ordered as follows:

1. The following basic policy is established for all Government agencies with respect to inventions hereafter made by any Government employee:

(a) The Government shall obtain the entire right, title and interest in and to all inventions made by any Government employee (1) during working hours, or (2) with a contribution by the Government of facilities, equipment, materials, funds, or information, or of time or services of other Government employees on official duty, or (3) which bear a direct relation to or are made in consequence of the official duties of the inventor.

(b) In any case where the contribution of the Government, as measured by any one or more of the criteria set forth in paragraph (a) last above, to the invention is insufficient equitably to justify a requirement of assignment to the Gov-

ernment of the entire right, title and interest to such invention, or in any case where the Government has insufficient interest in an invention to obtain entire right, title and interest therein (although the Government could obtain some under paragraph (a), above), the Government agency concerned, subject to the approval of the Chairman of the Government Patents Board (provided for in paragraph 3 of this order and hereinafter referred to as the Chairman), shall leave title to such invention in the employee, subject, however, to the reservation to the Government of a non-exclusive, irrevocable, royalty-free license in the invention with power to grant licenses for all governmental purposes, such reservation, in the terms thereof, to appear, where practicable, in any patent, domestic or foreign, which may issue on such invention.

(c) In applying the provisions of paragraphs (a) and (b), above, to the facts and circumstances relating to the making of any particular invention, it shall be presumed that an invention made by an employee who is employed or assigned (i) to invent or improve or perfect any art, machine, manufacture, or composition of matter, (ii) to conduct or perform research, development work, or both, (iii) to supervise, direct, coordinate, or review Government financed or conducted research, development work, or both, or (iv) to act in a liaison capacity among governmental or nongovernmental agencies or individuals engaged in such work, or made by an employee included within any other category of employees specified by regulations issued pursuant to section 4 (b) hereof, falls within the provisions of paragraph (a), above, and it shall be presumed that any invention made by any other employee falls within the provisions of paragraph (b), above. Either presumption may be rebutted by the facts or circumstances attendant upon the conditions under which any particular invention is made and, notwithstanding the foregoing, shall not preclude a determination that the invention falls within the provisions of paragraph (d) next below.

(d) In any case wherein the Government neither (1) pursuant to the provisions of paragraph (a) above, obtains entire right, title and interest in and to an invention nor (2) pursuant to the provisions of paragraph (b) above, reserves a non-exclusive, irrevocable, royalty-free license in the invention with

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Chapter II—Executive Orders

E. O. 10096

power to grant licenses for all governmental purposes, the Government shall leave the entire right, title and interest in and to the invention in the Government employee, subject to law.

(e) Actions taken, and rights acquired, under the foregoing provisions of this section, shall be reported to the Chairman in accordance with procedures established by him.

2. Subject to considerations of national security, or public health, safety, or welfare, the following basic policy is established for the collection, and dissemination to the public, of information concerning inventions resulting from Government research and development activities:

(a) When an invention is made under circumstances defined in paragraph 1 (a) of this order giving the United States the right to title thereto, the Government agency concerned shall either prepare and file an application for patent therefor in the United States Patent Office or make a full disclosure of the invention promptly to the Chairman, who may, if he determines the Government interest so requires, cause application for patent to be filed or cause the invention to be fully disclosed by publication thereof: *Provided, however,* That, consistent with present practice of the Department of Agriculture, no application for patent shall, without the approval of the Secretary of Agriculture, be filed in respect of any variety of plant invented by any employee of that Department.

(b) Under arrangements made and policies adopted by the Chairman, all inventions or rights therein, including licenses, owned or controlled by the United States or any Government agency shall be indexed, and copies, summaries, analyses and abstracts thereof shall be maintained and made available to all Government agencies and to public libraries, universities, trade associations, scientists and scientific groups, industrial and commercial organizations, and all other interested groups of persons.

3. (a) A Government Patents Board is established consisting of a Chairman of the Government Patents Board, who shall be appointed by the President, and of one representative from each of the following:

Department of Agriculture
Department of Commerce
Department of the Interior
Department of Justice
Department of State

Department of Defense
Civil Service Commission
Federal Security Agency
National Advisory Committee for Aeronautics

General Services Administration

Each such representative, together with an alternate, shall be designated by the head of the agency concerned.

(b) The Government Patents Board shall advise and confer with the Chairman concerning the operation of those aspects of the Government's patent policy which are affected by the provisions of this order or of Executive Order No. 9865, and suggest modifications or improvements where necessary.

(c) Consonant with law, the agencies referred to in paragraph 3 (a) hereof shall as may be necessary for the purpose of effectuating this order furnish assistance to the Board in accordance with section 214 of the Independent Offices Appropriation Act, 1946, 59 Stat. 134, 31 U. S. C. 691. The Department of Commerce shall provide necessary office accommodations and facilities for the use of the Board and the Chairman.

(d) The Chairman shall establish such committees and other working groups as may be required to advise or assist him in the performance of any of his functions.

(e) The Chairman of the Government Patents Board and the Chairman of the Interdepartmental Committee on Scientific Research and Development (provided for by Executive Order No. 9912 of December 24, 1947)¹ shall establish and maintain such mutual consultation as will effect the proper coordination of affairs of common concern.

4. With a view to obtaining uniform application of the policies set out in this order and uniform operations thereunder, the Chairman is authorized and directed:

(a) To consult and advise with Government agencies concerning the application and operation of the policies outlined herein;

(b) After consultation with the Government Patents Board, to formulate and submit to the President for approval such proposed rules and regulations as may be necessary or desirable to implement and effectuate the aforesaid policies, together with the recommendations of the Government Patents Board thereon;

(c) To submit annually a report to the President concerning the operation of such policies, and from time to time such

E. O. 10097

Title 3—The President

recommendations for modification thereof as may be deemed desirable;

(d) To determine with finality any controversies or disputes between any Government agency and its employees, to the extent submitted by any party to the dispute, concerning the ownership of inventions made by such employees or rights therein; and

(e) To perform such other or further functions or duties as may from time to time be prescribed by the President or by statute.

5. The functions and duties of the Secretary of Commerce and the Department of Commerce under the provisions of Executive Order No. 9865 of June 14, 1947¹ are hereby transferred to the Chairman and the whole or any part of such functions and duties may be delegated by him to any Government agency or officer: *Provided*, That said Executive Order No. 9865 shall not be deemed to be amended or affected by any provision of this Executive order other than this paragraph 5.

6. Each Government agency shall take all steps appropriate to effectuate this order, including the promulgation of necessary regulations which shall not be inconsistent with this order or with regulations issued pursuant to paragraph 4 (b) hereof.

7. As used in this Executive order, the next stated terms, in singular and plural, are defined as follows for the purposes hereof:

(a) "Government agency" includes any executive department and any independent commission, board, office, agency, authority, or other establishment of the Executive Branch of the Government of the United States (including any such independent regulatory commission or board, any such wholly-owned corporation, and the Smithsonian Institution), but excludes the Atomic Energy Commission.

(b) "Government employee" includes any officer or employee, civilian or military, of any Government agency, except such part-time consultants or employees as may be excluded by regulations promulgated pursuant to paragraph 4 (b) hereof.

(c) "Invention" includes any art, machine, manufacture, design or composition of matter, or any new and useful

improvement thereof, or any variety of plant, which is or may be patentable under the patent laws of the United States.

HARRY S. TRUMAN

THE WHITE HOUSE,

January 23, 1950.

EXECUTIVE ORDER 10097

DESIGNATING THE HONORABLE A. CECIL SNYDER AS ACTING JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO

By virtue of the authority vested in me by section 41 of the act entitled "An Act to provide a civil government for Puerto Rico, and for other purposes", approved March 2, 1917, as amended by section 20 of the act entitled "An Act to revise, codify, and enact into law title 28 of the United States Code entitled 'Judicial Code and Judiciary'", approved June 25, 1948 (62 Stat. 989), I hereby designate and authorize the Honorable A. Cecil Snyder, Associate Justice of the Supreme Court of Puerto Rico, to perform and discharge the duties of Judge of the United States District Court for the District of Puerto Rico, and to sign all necessary papers and records as Acting Judge of the said Court, without extra compensation, during the absence, illness, or other legal disability of the Judge thereof, during the year 1950.

HARRY S. TRUMAN

THE WHITE HOUSE,

January 24, 1950.

EXECUTIVE ORDER 10098

AMENDMENT OF EXECUTIVE ORDER NO. 10084 OF OCTOBER 12, 1949, PRESCRIBING REGULATIONS FOR THE ADMINISTRATION OF CERTAIN PROVISIONS OF THE CAREER COMPENSATION ACT OF 1949

By virtue of and pursuant to the authority vested in me by the Career Compensation Act of 1949, approved October 12, 1949 (Public Law 351—81st Cong.), it is ordered that the last paragraph of Executive Order No. 10084 of October 12, 1949, entitled "Prescribing Regulations for the Administration of Certain Provisions of the Career Compensation Act

¹ 3 CFR, 1947 Supp.

¹ 3 CFR, 1949 Supp.

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Title 3--The President

E. O. 10930

under the heading "Emergency Fund for the President--National Defense" in Title I of the General Government Matters Appropriation Act, 1961, 74 Stat. 473, 475, approved July 12, 1960. The expenditures of the commission may be paid out of an allotment made by the President from the appropriation made under the aforesaid heading "Emergency Fund for the President--National Defense"; and, to the extent permitted by law, from any corresponding or like appropriation made available for fiscal years subsequent to fiscal year 1961. Such payments may be made without regard to the provisions of (a) section 3681 of the Revised Statutes (31 U.S.C. 672), (b) section 9 of the Act of March 4, 1909, 35 Stat. 1027 (31 U.S.C. 673), and (c) such other provisions of law as the President may hereafter specify. The members of the commission shall receive such expense allowances as the President shall hereafter fix. The chairman of the commission and those other members of the commission who are designated by the President under section 1 without nominations shall receive such compensation as the President shall hereafter specify, but no such compensation shall be payable with respect to any day or other period of service for which other compensation is payable by the United States.

Sec. 6. The commission shall make a final written report of its findings and recommendations not later than 60 days after the Presidential commission established by Executive Order No. 10891 makes the final report described in section 5 of such order. The commission shall cease to exist 30 days after the rendition of its final report to the President.

Sec. 7. Funds may be allotted under section 5 of this order immediately, such funds to become available for obligation and expenditure on such date or dates as the President may specify, and nominations may immediately be submitted and designations of members made under section 1 of this order, but the provisions of this order shall otherwise become effective only when all members of the commission have been designated by the President under section 1 hereof.

JOHN F. KENNEDY

THE WHITE HOUSE,
March 24, 1961.

See T37 CFR Chap III
Executive Order 10930*

ABOLISHING THE GOVERNMENT PATENTS BOARD AND PROVIDING FOR THE PERFORMANCE OF ITS FUNCTIONS

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. The Government Patents Board, established by section 3(a) of Executive Order No. 10096¹ of January 23, 1950, and all positions established thereunder or pursuant thereto are hereby abolished.

Sec. 2. All functions of the Government Patents Board and of the Chairman thereof under the said Executive Order No. 10096, except the functions of conference and consultation between the Board and the Chairman, are hereby transferred to the Secretary of Commerce, who may provide for the performance of such transferred functions by such officer, employee, or agency of the Department of Commerce as he may designate.

Sec. 3. The Secretary of Commerce shall make such provision as may be necessary and consonant with law for the disposition or transfer of property, personnel, records, and funds of the Government Patents Board.

Sec. 4. Except to the extent that they may be inconsistent with this order, all determinations, regulations, rules, rulings, orders, and other actions made or issued by the Government Patents Board, or by any Government agency with respect to any function transferred by this order, shall continue in full force and effect until amended, modified, or revoked by appropriate authority.

Sec. 5. Subsections (a) and (c) of section 3 of Executive Order No. 10096 are hereby revoked, and all other provisions of that order are hereby amended to the extent that they are inconsistent with the provisions of this order.

JOHN F. KENNEDY

THE WHITE HOUSE,
March 24, 1961.

¹ 3 CFR, 1949-1953 Comp., p. 292.